

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

William Henley,)	C/A No.: 2:11-111-JFA-BHH
)	
Petitioner,)	
vs.)	O R D E R
)	
S.C. Department of Social Services,)	
)	
Respondent.)	
_____)	

The *pro se* petitioner, William Henley, filed this action seeking a writ of mandamus and a preliminary injunction ordering the defendant to produce certain documents apparently related to petitioner's child support matters.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein she suggests that this action should be dismissed because this court lacks jurisdiction to issue a writ against the respondent, a state agency of the State of South Carolina. The Magistrate Judge properly notes that a federal courts do not have original jurisdiction over mandamus actions to compel an officer or employee of a state to perform a duty owed to the petitioner. *In re Carr*, 803 F.2d 1180, 1181 (4th Cir. 1986). The Magistrate Judge, therefore, recommends that this action be dismissed without prejudice and

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

without issuance and service of process. Likewise, the Magistrate Judge suggests that the petitioner's motion for a preliminary injunction be dismissed for want of jurisdiction.

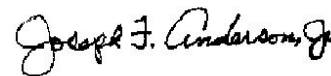
The parties were advised of their right to file objections to the Report and Recommendation, which was entered on the docket on January 18, 2011. The petitioner's one-page objection memorandum merely states that "the federal court must enforce the writ of mandamus, because it is an official of the United States." This objection is without merit and overruled.

After a careful review of the record, the applicable law, the Report and Recommendation, and the objections thereto, the court finds the Magistrate Judge's recommendation to be proper and the Report is incorporated herein by reference.

Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

March 21, 2011
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge